



MEMORANDUM

DEPARTMENT OF GAME & FISH

TO: NMDGF Commissioned Officers

FROM: Colonel Robert L. Griego

DATE: November 8, 2013

RE: Forced Entry during Search Warrant Execution

Commissioned Officers,

Please adhere to the following guidance on forcing entry into private property when serving an approved and signed search warrant. If you have a search warrant in hand and are faced with the question of should I force entry into someone's residence or curtilage which will result in damage (e.g. damaging a door, window, fence or gate) you must answer one of the following questions in the affirmative:

- Do I have immediate articulable facts that evidence is being destroyed while I am outside awaiting entry?
- Is there an immediate need to protect human life that requires a rapid, unabated entry?

If the answer to both questions is no, then do not force entry. I expect the ranking officer on scene to ensure that either one of these conditions exists. A ranking officer, will need to be able to articulate the facts on why the action to proceed was allowed as prescribed above.

In all instances, Officers must prepare and plan prior to the execution of any warrant. This planning may include lining up a locksmith at the appropriate time. This will also allow the appropriate supervisor or officer in charge to determine the proper entry tactics and detail responsibilities for the warrant team. This planning should include receiving any prior approval from your chain of command for any other tactics that require a forced entry into private property which may result in damage based on intelligence gained, previous knowledge about the location, suspect statements, criminal history, and severity of the crime or other known articulable risks.

As a tool warrants are being used more frequently than they have been in the past. I understand that more warrants equate to more difficult decisions being made on the spot. Please adhere to this guidance and when in doubt, contact your chain of command to gain clarification. Stay vigilant and keep up the great work.